

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

Claims 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner respectfully asks applicant to consider the grammatical correctness of the phrase "display of (a) potency", on line 2 of claims 4 and 8. It is respectfully noted that depending on which way the phrase is written, it could claim either a single potency or all potencies.

The claims have been amended.

Claims 1-9 are deemed allowable over the prior art at this time, pending resolution of any rejections noted above, because the prior art does not specifically disclose combining the generation of ranked performance predictor attributes with marketing communications to be made to distinguished segments of customers.

The applicant acknowledges the examiner's indication that claims 1-9 are patentable. The applicant notes that at least one of the features mentioned by the examiner is not part of each of the independent claims. The applicant does not concede that there are no other good reasons for the patentability of claims 1-9.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket 17146-0009001.

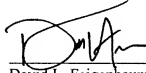
Date: _____

8/13/8

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

22002271.doc

Respectfully submitted,



David L. Feigenbaum
Reg. No. 30,378